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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,646	09/15/2003	Meng Shi	117148	8013
25944	7590	09/11/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320				TRAN, NGHI V
ART UNIT		PAPER NUMBER		
		2151		

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/661,646	SHI, MENG	
	Examiner Nghi V. Tran	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 September 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>09/15/03&amp;02/02/06</u> .	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

1. This office action is in response to the patent application filed on September 15, 2003. Claims 1-6 are presented for examination.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-6 of the instance application are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent Application Publication No. 2004/0194011. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitation of

claims 1-6 of the instance application is overlapping with the limitation of claims 1-14 of U.S. Patent Application Publication No. 2004/0194011 as following:

<b>U.S. Patent Application Publication No.</b> <b>2004/0194011</b>	<b>Instant Application No. 10/661,646</b>
1. A cooperative processing apparatus comprising:	1. A cooperative processing apparatus comprising:
a service execution requesting unit for requesting, on the basis of <b><i>first cooperation instruction information</i></b> that instructs cooperative execution, via a network, of respective processes of plural services of a cooperative process on document data, a service processing apparatus for executing a service; and	a sending and receiving unit for sending and receiving cooperation information to be used for executing a flow of services on document data in a cooperative manner and a processing result of a service to and from other cooperative processing apparatus; a service processing unit for performing a <b><u>prescribed service</u></b> on the basis of the cooperation information; and
	<b><u>a control unit for performing:</u></b>
	a first control of controlling, when receiving cooperation information, the service processing unit so that it performs the

	service on the basis of the cooperation information;
<i>a cooperation instruction information generating unit for generating</i> , if a service processing apparatus which is requested for executing a service by the service execution requesting unit has become incapable of executing the service, <i>second cooperation instruction information</i> that instructs cooperative execution of the service which the service processing apparatus has become incapable of executing and services following it.	<u>a third control of controlling the sending and receiving unit</u> so that it sends the other piece of cooperation information to a cooperative processing apparatus capable of performing a substitute service for the next service when an abnormality has occurred in the cooperative processing apparatus in performing the next service after receiving the cooperation information.

4. Therefore, the limitation of claims 1-6 of the instance application is anticipated by the limitations of claims 1-14 of U.S. Patent Application Publication No. 2004/0194011, and as such is unpatentable for obvious-type double patenting.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuroda, U.S. Patent No. 6,804,020 (hereinafter Kuroda).

7. With respect to claims 1 and 4, Kuroda teaches a cooperative processing apparatus [i.e. cooperating device **301**, see abstract and figs.1-3] comprising:

- a sending and receiving unit [i.e. to cause cooperating operation with other devices connected to the LAN **212** of fig.2] for sending and receiving cooperation information to be used for executing a flow of services on document data in a cooperative manner and a processing result of a service to and from other cooperative processing apparatus [i.e. external cooperating device, col.62-65] [col.6, Ins.50-61 and col.7, Ins.25-55];
- a service processing unit for performing a prescribed service on the basis of the cooperation information [i.e. parameters for cooperation of fig.5 and fig.9]; and
- a control unit [i.e. cooperating means, col.12, Ins.51-67] for performing:
  - a first control of controlling, when receiving cooperation information, the service processing unit so that it performs the service on the basis of the cooperation information [col.7, Ins.25-43];

- a second control of sending, to a transmission source apparatus of the cooperation information, a processing result indicating whether the service processing unit has performed the service normally or abnormally [i.e. determination as to whether or not cooperation is possible, S608 and col.8, Ins.1-2 and notification of cause of trouble upon cooperation such as "OK" or "NG", **902** of fig.19 and col.11, Ins.46-64], and, if the service processing unit has performed the service normally [i.e. when cooperation is possible, col.8, Ins.4-7], copying the cooperation information and controlling the sending and receiving unit so that it sends one piece of cooperation information to a cooperative processing apparatus that is to perform a next service on the basis of the cooperation information [i.e. when cooperation is possible, a determination is again made as to all-store or sheet-by-sheet, step S609, col.8, Ins.4-11];
- a third control of controlling the sending and receiving unit so that it sends the other piece of cooperation information to a cooperative processing apparatus capable of performing a substitute service [i.e. another attempt] for the next service [i.e. when the printer failed to complete proper printing, another attempt is made to perform printing, col.8, Ins.12-28] when an abnormality has occurred in the cooperative processing apparatus in performing the next service after receiving the

cooperation information [i.e. when the external cooperating device fails to receive image data, col.8, Ins.12-13].

8. With respect to claims 2 and 5, Kuroda further teaches wherein in the third control the control unit judges that an abnormality has occurred in the cooperative processing apparatus in performing the next service after receiving the cooperation information [i.e. after the step cooperation permitted, **S608**] if a processing result of the next service received from the cooperative processing apparatus for performing the next service indicates occurrence of an abnormality [i.e. when the printer failed to complete proper printing, another attempt is made to perform printing, col.8, Ins.12-28] or if no processing result of the next service is received in a prescribed period of time from the cooperative processing apparatus for performing the next service.

9. With respect to claims 3 and 6, Kuroda further teaches wherein in the third control the control unit suspends the flow and controls [i.e. disconnect] the sending and receiving unit so that it sends a processing result indicating occurrence of an abnormality to a cooperative processing apparatus that sent the cooperative information first if no processing result of the next service [i.e. when cooperation is impossible, a notice to that effect is given, and waiting for disconnection, step **S704**] or the substitute service for the next service is received within a predetermined processing period of time or if there exists no cooperative processing apparatus capable of performing a

substitute service for the next service.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "Client server system and method therefor," by Okuyama et al., U.S.

Patent Application Publication No. 2003/0050971.

b. "Document preservation," by Wolfe et al., U.S. Patent Application

Publication No. 2004/0163033.

c. "Image forming system and image forming method," by Maeda et al., U.S.

Patent Application Publication No. 2003/0048492.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran  
Patent Examiner  
Art Unit 2151

NT



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